

the general public. “Bona fide members” means those members of a charter organization who:

(1) Have not joined the organization merely to participate in the charter as the result of solicitation of the general public; and (2) are members for a minimum of 6 months prior to the starting flight date. The requirement in paragraph (b)(2) of this section is not applicable to:

(i) Students and employees of a single school, and immediate families thereof; or

(ii) Employees of a single Government agency, industrial plant, or mercantile establishment, and immediate families thereof.

(c) Solicitation of, as well as participation by, members of an organization with respect to charter flights shall extend only to the organization, or the particular chapter or unit thereof, which signs the charter agreement with the air carrier as the charterer.

(d) A charterer shall not advertise or otherwise solicit its members for any charter until a charter contract has been signed: *Provided, however,* That this prohibition shall not extend to oral inquiries or internal mailings directed to members to determine interest in a charter flight or charter program so long as no fixed price for air transportation is held out. After a charter contract is signed, copies of solicitation material shall be furnished the carrier at the same time it is distributed to members.

(e) Printed solicitation materials shall contain the following notice in boldface, 10-point or larger type:

SOME OF THE FEDERAL RULES THAT PROTECT AGAINST TOUR CHANGES AND LOSS OF PASSENGERS’ MONEY IN PUBLICLY-SOLD CHARTERS DO NOT APPLY TO THIS PROGRAM.

[ER–803, 38 FR 14272, May 31, 1973, as amended by ER–1177, 45 FR 40575, June 16, 1980]

§ 208.211 Passengers on charter flights.

Only bona fide members of the charterer, and their immediate families, may participate as passengers of a charter flight, and the participants must be members of the specific organization or chapter which authorized the charter. The charterer must main-

tain a central membership list, available for inspection by the carrier or Board representative, which shows the date each person became a member.⁵ Where four or more round-trip flights per calendar year are conducted on behalf of a chartering organization by a carrier or carriers, intermingling between flights or reforming of planeload groups, or less than planeload groups (see § 208.6(c)), shall not be permitted, and each group must move as a unit in both directions, except as provided in § 208.36.

§ 208.212 Participation of immediate families in charter flights.

(a) The immediate family of any bona fide member of a charter organization may participate in a charter flight.

(b) “Immediate family” means only the following persons who are living in the household of a member of a charter organization, namely, the spouse, dependent children, and parents, of such member.

§ 208.213 Charter costs.

(a) The costs of charter flights shall be prorated equally among all charter passengers and no charter passenger shall be allowed free transportation; except that: (1) Children under 12 years of age may be transported at a charge less than the equally prorated charge; (2) children under 2 years of age may be transported free of charge.

(b) The charter shall not make charges to the charter participants which exceed the actual costs incurred in consummating the charter arrangements, nor include as a part of the assessment for the charter flight any charge for purposes of charitable donations. All charges related to the charter flight arrangements collected from the charter participants which exceed the actual costs thereof shall be refunded to the participants in the same ratio as the charges were collected.

[ER–803, 38 FR 14272, May 31, 1973, as amended by ER–1225, 46 FR 31000, June 12, 1981]

⁵Where the charter is based on employment in one entity or student or employee status at a school, records of the corporation, agency or school will suffice to meet the requirements